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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: § Confirmation No. 7719

Friedrich W.Kuehne et al. § Group Art Unit:

Serial No.: 10/049,658 § Examiner: To be assigned

Filed: February 15, 2002 §

Title: CHEMICALLY-STABILIZED CHLORITE SOLUTIONS FOR TREATING

CANCER AND OTHER DISEASES

Assistant Commissioner for Patents United States Patent and Trademark Office Washington, D.C. 20231

Dear Sir:

PETITION TO ACCOMPANY OATH OR DECLARATION WHEN THERE IS A NONSIGNING INVENTOR UNDER 37 C.F.R. § 1.47

Applicants submit herewith the attached Declaration and Power of Attorney executed by one of the two inventors named in the captioned application. The nonsigning inventor, Dr. Vitam Kodelja, has not responded to several attempts to contact him. Specifically, Dr. Kodelja has not responded to letters sent at least on May 21 and August 7, 2002, and to a courier package delivered directly to his home on September 27, 2002. A copy of the Federal Express Airbill and tracking confirmation recording delivery of the package are attached to this petition. Accordingly, applicants respectfully petition pursuant to 37 C.F.R. § 1.47(a) for acceptance of this declaration in satisfaction of the Notice of Missing Requirements mailed April 17, 2002.

Dr. Kodelja's last known address is:

Dr. Vitam Kodelja, Birkbuschstrasse 14, 12,167 Berlin, Germany.

Please charge the requisite processing fee of \$130, as set forth in 37 C.F.R. § 1.17(h), to the undersigned's Deposit Account, No. 08-1641. If there are any other fees due with the filing of this Petition, please charge any and all such fees to Deposit Account No. 08-1641.

Respectfully submitted, HellerEhrman

Date: November 18, 2002

By:

Paul M. Booth

Registration No. 40,244

Customer Number 26633
HELLER EHRMAN WHITE & McAULIFFE LLP
1666 K Street, N.W., Suite 300
Washington, DC 20006
(202) 912-2000
(202) 912-2020

26622

26633

PATENT TRADEMARK OFFICE

CAPCTIPTO 23 DEC 2002

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE NEY'S DOCKET NUMBER FORM PTO-139O (Modified) TRANSMITTAL LETTER TO THE UNITED STATES 25708.0038 DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/049,658 PRIORITY DATE CLAIMED INTERNATIONAL FILING DATE INTERNATIONAL APPLICATION NO. 18 August 1999 18 August 2000 PCT/US00/22610 TITLE OF INVENTION CHEMICALLY-STABILIZED CHLORITE SOLUTIONS FOR TREATING CANCER AND OTHER DISEASES APPLICANT(S) FOR DO/EO/US Friedrich-Wilhelm KUEHNE and Vitam KODELJA Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: 1. ___ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. X This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority 5. ___ A copy of the International Application as filed (35 U.S.C. 371@(2)) is transmitted herewith (required only if not transmitted by the International Bureau). has been transmitted by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US) A translation of the International Application into English (35 U.S.C. 371 ©(2)). Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371©(3)) a. ___ are transmitted herewith (required only if not transmitted by the International Bureau). b. ___ have been transmitted by the International Bureau. have not been made; however, the time limit for making such amendments has NOT expired. d. ____ have not been made and will not be made. 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371©(3)). 9. X An oath or declaration of the inventor(s) (35 U.S.C. 371©(4)). 10. ____ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371©(5)). Items 11. to 16. below concern other document(s) or information included: An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 11. ____ 12. ___ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. ____ A FIRST preliminary amendment. A SECOND or SUBSEQUENT preliminary amendment. 14. ___ A substitute specification.

15. ___ A change of power of attorney and/or address letter.

16. ____ Other items or information:

	07.05.0 4.60	INTERNATIONAL APPLICATION	N NO.	ATTORNEY'S DOCKET NUMBER	~
S. APPLICATION NO. (II known	n, see 37 C.F.R. 1.50 0 49,658	PCT/US0	0/22610	25708.0	
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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CHEMICALLY-STABILIZED CHLORITE SOLUTIONS FOR TREATING CANCER AND OTHER DISEASES

is attached hereto.

x was filed on February 15, 2002 as U.S. Patent Application No. 10/049,658

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of

Attorney Docket No.: 25708-0038

any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date		Certified Copy Attached?
			ļ	

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/149,429	August 18, 1999

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number	
	PCT/US00/22610	August 18, 2000		

I HEREBY APPOINT the following registered attorneys and agents of the law firm of Hetler Ehrman White & McAuliffe to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

PAUL BOOTH	Reg. No.	40.244
PATRICIA D. GRANADOS	Reg. No.	33,683
JOHN P. ISACSON	Reg. No.	33,715
RONALD J. KAMIS	Reg. No.	41,104
MARVIN A. MOTSENBOCKER	Reg. No.	36,614
JAMES REMENICK	Reg. No.	36,902
COLIN G. SANDERCOCK	Reg. No.	31,298
SUSAN E. SHAW MCBEE	Reg. No.	39,294



Attorney Docket Not: 25708-0038

and I request that all correspondence be directed to:

Colin G. Sandercock, Esq. HELLER EHRMAN WHITE & MCAULIFFE 1666 K Street, NW, Suite 300 Washington, DC 20006 Telephone: (202) 912-2000

Facsimile: (202) 912-2020

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize this validity of the application or any patent issuing thereon.

Name of first inventor	Friedrich W. Kuehne
Residence	Bangkok, Theiland
Citizenship	German
Post Office Address	155/1 Mocban Panya Sol 23, Pattanakarn Road, Bandkok 10250
Inventor's signature	& W. Austin
Date	18/11/02
Name of first inventor	Vitam Kodelja
Residence	South Sen Francisco, CA
Citizenship	Swiss
Post Office Address	601 Gateway Boulevard, Suite 450, South San Francisco, CA 94080
Inventor's signature	
Date	

Page 3 of 3





Deposit Account Statement

Requested Statement Month;

November 2002

Deposit Account Number:

081641

Name:

HELLER EHRMAN WHITE & MCAULIFFE

PATENT GROUP

Attention:

275 MIDDLEFIELD ROAD

Address:

MENLO PARK

City:

State:

CA

Zip:

94025-3506

ATTORNEY FEE BAL AMT POSTING DOCKET DATE SEQ REF TXT CODE NBR \$62,462.00 PCT/US02/34631 26822-0043PC 1707 \$55.00 \$62,447.00 11/01 31 \$15.00 PCT/US02/34631 26822-0043PC 8006 \$62,407.00 11/01 33 \$40.00 26822-0070 8021 \$62,277.00 60411854 11/01 37 \$130.00 1460 26822-0011 \$67,719.00 09879408 -\$5,442.00 11/04 11 9203 PAYMENT \$66,979.00 \$740.00 11/04 11 26822-0011 C 1001 10284586 \$66,493.00 11/04 51 \$486.00 26822-0011 C 1202 10284586 \$66,453.00 11/04 52 \$40.00 8021 26822-0080 60409833 \$66,413.00 11/05 42 \$40.00 8021 26822-0080 60409833 \$66,333.00 11/05 47 \$80.00 2005 38187-2601 60422988 \$65,693.00 11/05 53 \$640.00 2453 39315-0043 11/05 165 09847950 \$65,323.00 \$370.00 2001 39315-0043 11/05 166 09847950 \$65,258.00 \$65.00 2051 39315-0043 11/05 167 09847950 \$64,922.00 \$336.00 2201 39315-0043 11/05 168 09847950 \$64,292.00 \$630.00 2202 39315-0043 11/05 169 09847950 \$63,312.00 \$980.00 2255 39315-0043 11/05 170 09847950 \$63,237.00 \$75.00 8014 11/05 267 920560 \$63,162.00 \$75.00 8014 11/05 269 920565 \$62,922.00 \$240.00 11/05 291 PCT/US02/35043 38604.0008 1601 \$62,222.00 \$700.00 11/05 292 PCT/US02/35043 38604.0008 1602 \$61,815.00 \$407.00 11/05 293 PCT/US02/35043 38604.0008 1702 \$61,770.00 \$45.00 11/05 294 PCT/US02/35043 38604.0008 1703 \$61,330.00 \$440.00 11/05 295 PCT/US02/35043 38604.0008 1707 \$61,315.00 \$15.00 11/05 296 PCT/US02/35043 38604.0008 8006 \$61,075.00 \$240.00 11/05 464 PCT/US02/35218 38147.0015 1601 \$60,375.00 \$700.00 1602 11/05 465 PCT/US02/35218 38147.0015 \$59,968.00 \$407.00 11/05 466 PCT/US02/35218 38147.0015 1702 \$59,833.00 \$135.00 11/05 467 PCT/US02/35218 38147.0015 • 1703 \$59,393.00 \$440.00 11/05 468 PCT/US02/35218 38147.0015 1707 \$59,378.00 \$15.00 PCT/US02/35218 38147.0015 8006

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	11/06 1		PCT/US02/35217	38147.0015	1602	T	\$58,038.00
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	11/06		PCT/US02/09736	38080.0017	1605	\$490.00	\$55,797.00
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	11/07		10229530	26822-0034	1552	\$2,020.00	\$49,623.00
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	11/07		09389342	65724.0106	1401	\$234.00	\$49,069.00
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	11/12		60424429	38187-2602	2005	\$80.00	\$48,829.00
	11/12		10209964		9204	-\$25.00	\$48,369.00
	11/12	125	09714344	40222.22.0	2253	\$460.00	\$48,329.00
	11/13	1	07109678		8021	\$40.00	
	11/13	7	PAYMENT		9203	-\$1,812.00	\$50,141.00 \$50,166.00
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	11/13	20	07902405	22475-0014	8021	\$40.00	\$50,126.00
	11/13	88	10275614	39564-0002	1613	\$890.00	\$49,236.00
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	11/13	115	10275706	37991-0010	1613	\$890.00	\$47,880.00
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	11/13	125	10275615	39564.0005	1615	\$288.00	\$45,824.00
			10275615	39564.0005	1616	\$280.00	\$45,544.00
	11/13			39564.0004	1613	\$890.00	\$44,654.00
	11/13			39564.0004	1617	\$130.00	\$44,524.00
	11/13			39564.0004	1615	\$126.00	\$44,398.00
	11/13			39564.0006	1613	\$890.00	\$43,508.00
	11/13			39564.0006	1617	\$130.00	\$43,378.00
			5 10275624	39564.0006	1615	\$216.00	\$43,162.00

Page 3 of 4

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Deposit Account Statemen	t _				
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11/13 336	10275741	39564.0003	1613	·	\$41,992.00
11/13 337	10275741	39564.0003	1617	-	\$41,862.00
11/13 338		39564.0003	1615	*	\$41,592.00
11/14 9	PAYMENT		9203	-\$15,921.00	
11/14 10	923542		8024	\$40.00	\$57,473.00
11/14 11	923542		8006	\$30.00	\$57,443.00
11/14 114	60425729	37629.0069	2008	\$255.00	\$57,188.00
11/14 209	923986		8014	\$75.00	\$57,113.00
11/14 276	924061		8007	\$30.00	\$57,083.00
11/15 4	09625972	24741-1514	1253	\$520.00	\$56,563.00
	PCT/US02/36283	38604.0025	1601	\$240.00	\$56,323.00
11/18 140			1602	\$700.00	\$55,623.00
11/18 141			1702	\$407.00	\$55,216.00
	PCT/US02/36283		1703	\$171,00	\$55,045.00
11/18 143	PCT/US02/36283	38604.0025	1707	\$440.00	\$54,605.00
11/18 144			8006	\$15.00	\$54,590.00
11/18 154			1601	\$240.00	\$54,350.00
	PCT/US02/36218		1602	\$700.00	\$53,650.00
	PCT/US02/36218		1702	\$407.00	\$53,243.00
11/18 157			1707	\$440.00	\$52,803.00
11/18 158			8006	\$15.00	\$52,788.00
11/18 411			1605	\$490.00	\$52,298.00
11/18 412		2 39225-0707PC	1705	\$146.00	\$52,152.00
11/19 5	PCT/US02/35211		1703	\$108.00	\$52,044.00
11/19 291			1601	\$240.00	\$51,804.00
11/19 292			1602	\$700.00	\$51,104.00
11/19 293			1702	\$407.00	\$50,697.00
11/19 294			1707	\$440.00	\$50,257.00
11/19 29			8006	\$15.00	\$50,242.00
11/19 37			C 1601	\$240.00	\$50,002.00
	6 PCT/US02/3644	7 12050-1166P	C 1704	\$936.00	\$49,066.00
11/19 37		7 12050-1166P	C 1702	\$407.00	\$48,659.00
11/19 37	B PCT/US02/3644	7 12050-1166P	C 1703	\$288.00	\$48,371.00
11/19 37	9 PCT/US02/3644	7 12050-1166P	C 1707	\$440.00	\$47,931.00
11/19 38	0 PCT/US02/3644	7 12050-1166P	C 8006	\$15.00	\$47,916.00
11/20 50		37629-0040	1806	\$180.00	\$47,736.00
11/20 63		PM270682	2501	\$640.00	\$47,096.00
11/20 64		PM270682	8001	\$15.00	\$47,081.00
	3 926780		8024	\$40.00	\$47,041.00
	4 926780		8014	\$25.00	\$47,016.00
	2 927141		8006	\$15.00	\$47,001.00
11/20 48	3 PCT/US02/1809	92 39225-0707F	PC 1605	-\$490.00	\$47,491.00
11/20 48	4 PCT/US02/180	92 <mark>39225-070</mark> 7F	PC 1606	\$750.00	\$46,741.00
11/21 28		75 10008-1195	1601	\$240.00	\$46,501.00
11/21 29			1704	\$936.00	\$45,565.00
11/21 30			1702	\$407.00	\$45,158.00
11/21 3		75 10008-1195	1703	\$225.00	\$44,933.00
11/21 32		75 10008-1195	8006	\$15.00	\$44,918.00
11/21 33		75 10008-1195	1707	\$352.00	\$44,566.00
11/21 10	-	39227-0701	2255	\$980.00	\$43,586.00
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12/23/2002	12.50	FAA	030 324 0036	BELLE	K EDKMAN M.	נאתו	
Deposit Accoun	t State	mea	t ^F				
	11/22	66	10049658	25708-0038	1617	\$130.00	543,456.00
	11/22	67	10049658	25708-0038	2255	\$980.00	\$42,476.00
	11/22	68	10049658	25708-0038	1460	\$130.00	\$42,346.00
	11/22	69	928096		8013	\$25.00	\$42,321.00
	11/22	200	928349		8006	\$45.00	\$42,276.00
	11/22	264	928471		8014	\$75.00	\$42,201.00
	11/25	1	08979154	38005-0068	1251	\$110.00	\$42,091.00
	11/25	13	PAYMENT		9203	-\$10,983.00	\$53,074.00
•	11/25	39	60428286	39147-0005	2005	\$80.00	\$52,994.00
	11/25	43	PAYMENT		9203	-\$14,212.00	\$67,206.00
	11/25	98	60428084	38187-2604	2005	\$80.00	\$67,126.00
	11/26	88	09840756	26822-0014	1806	\$180.00	\$66,946.00
	11/26	224	929778	•	8007	\$30.00	\$66,916.00
	11/27	91	PCT/US02/37453	18120-0905PC	1601	\$240.00	\$65,676.00
	11/27	92	PCT/US02/37453	18120-0905PC	1704	\$936.00	\$65,740.00
	11/27	93	PCT/US02/37453	18120-0905PC	1707	\$440.00	\$65,300.00
	11/27	94	PCT/US02/37453	18120-0905PC	8006	\$15.00	\$65,285.00
	11/27	95	PCT/US02/37453	18120-0905PC	1702	\$407.00	\$64,878.00
	11/27	404	10069751	38463-0002	2617	\$65.00	\$64,813.00
	11/27	405	10069751	38463-0002	2255	\$980.00	\$63,833.00
	11/27	406	10069751	38463-0002	1460	\$130.00	\$63,703.00
	11/29	114	PCT/US02/21066	38596.0014	1605	\$490.00	\$63,213.00
	11/29	115	PCT/US02/21066	38596.0014	1705	\$146.00	\$63,067.00
	11/29	183	6453202		1811	\$100.00	\$62,967.00
	11/29	202	10176111	38587.0033	2253	\$460.00	\$62,507.00
	11/29	203	10176111	38587.0033	2001	\$370.00	\$62,137.00
	11/29	204	10176111	38587.0033	2051	\$65.00	\$62,072.00
	11/29	205	10176111	38587.0033	2202	\$171.00	\$61,901.00
•					****	5115	
			START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
			\$62,517.00	\$49,717.00	\$49,101.00	\$61,901.00	

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